

2041
May 10 26

Minutes of an Executive Meeting of the Town Board held in the Supervisor's Office on May 1st, 1940 at 2:00 P. M.

Present:

Elmer J. B. Sawyer, Supervisor

Austin H. Warner,
Fred. H. Boutcher,
Joseph V. Kelly,
Henry M. Zaleski, Justices of the Peace.

Town Attorney Solomon Raffe was present.

On motion made by Justice Boutcher and seconded by Justice Warner, it was RESOLVED that the act or action of the Town Attorney in referring the investigation of the Sewer District to the District Attorney of Suffolk County is hereby ratified and confirmed in all respects, and it is further

RESOLVED that before the findings of the District Attorney be presented to the Grand Jury, he be respectfully requested to meet with the Town Board and go over the matter in executive session. The vote, Justice Warner, Yes, Justice Boutcher, Yes, Justice Kelly, No, Justice Zaleski, No, Supervisor Sawyer, Yes. Total vote, Yes 3, No 2. The resolution was thereupon declared duly adopted.

Justice Kelly stated that he opposed the resolution for the reason that, "I don't see how the Town Board of the Town of Riverhead has the right to approve something that the Town Attorney did without the permission of the Town Board to act. I, therefore, think that the resolution is illegal".

Justice Zaleski stated that, "I am opposed to the resolution in its entirety since it was composed of two distinct actions, the first being of that of the Town Attorney and the second of that of the District Attorney. I feel that I cannot approve of the results of the action of the Town Attorney and I whole-heartedly welcome the report of the District Attorney and particularly to this one".

On motion made by Justice Kelly and seconded by Justice Zaleski, it was RESOLVED that the Town Board make an investigation as to who removed the papers from the Town Clerk's Office, what authority they had for taking them and for what reason they were taken. These papers that are referred to pertain to the Riverhead Sewer District. The vote, Justices Warner, Boutcher, Kelly and Zaleski, Yes, Supervisor Sawyer, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

Town Attorney Raffe recommended that this particular investigation be turned over to the District Attorney.

Justice Kelly objected to that procedure as the resolution stated that the Town Board make the investigation.

The Town Board then recessed at 3:00 P. M. to reconvene in the Justice's Court Room.

The Town Board reconvened in the Justice's Court Room at 3:10 P. M.

Present:

Elmer J. B. Sawyer, Supervisor

Austin H. Warner,
Fred. H. Boutcher,
Joseph V. Kelly,
Henry M. Zaleski, Justices of the Peace.

Solomon Raffé, Town Attorney was present.

A communication was read from Joseph E. Walsh, Chief of the Riverhead Fire Department in regard to a survey to properly locate all the sources of water available in the Fire Protection District. The communication was ordered placed on file.

A copy of a communication from M. H. Bidwell, Bacteriologist to J. H. Hildreth, Superintendent of Marine Fisheries in regard to the results of analysis of samples of water and clams collected from Flanders Bay on April 10th, 1940. The communication was ordered placed on file.

Forrest G. Downs, Receiver of Taxes, submitted a report of taxes collected as of May 1st, 1940 and on motion and vote was ordered placed on file.

On motion made by Justice Boutcher and seconded by Justice Warner, it was RESOLVED that Theodore Gevinski be and he hereby is appointed Dog Warden for the Town of Riverhead and that the said Theodore Gevinski serve at the pleasure of the Town Board with a salary fixed by the Agriculture and Markets Law. The vote, Justices Warner and Boutcher, Yes, Justices Kelly and Zaleski, Not Voting, Supervisor Sawyer, Yes. Total vote, Yes 3, Not Voting 2, No 0. The resolution was thereupon declared duly adopted.

The Street Lighting Committee reporting on the matter of better street lighting in the vicinity of Franklin Street and East Avenue Extension recommended that an 80 C. P. light be placed on pole #2, East Avenue Extension and an 80 C. P. light be placed on pole #5, Franklin Street.

On motion made by Justice Warner and seconded by Justice Kelly, it was RESOLVED that the Long Island Lighting Company be authorized to place one 80 C. P. street light on Pole #2 on East Avenue Extension and one 80 C. P. street light on Pole #5 on Franklin Street, Riverhead Lighting District. The vote, Justices Warner, Boutcher, Kelly and Zaleski, Yes, Supervisor Sawyer, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

On motion made by Justice Kelly and seconded by Justice Boutcher, it was RESOLVED that the Town of Riverhead purchase one 1940 Edition of Gilbert's Criminal Code and Penal Law from Matthew Bender and Company for the sum not to exceed \$20.00. The vote, Justices Warner, Boutcher, Kelly and Zaleski, Yes, Supervisor Sawyer, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

On motion made by Justice Warner and seconded by Justice Boutcher, it was RESOLVED that the Supervisor be and he hereby is authorized to transfer the sum of \$216.67 from the Current Surplus Account to the Supervisor's Expense Account for the payment of a typewriter heretofore purchased. The vote, Justices Warner, Boutcher, Kelly and Zaleski, Yes, Supervisor Sawyer, Yes. Total vote, Yes 5, No 0. The resolution was thereupon declared duly adopted.

The Town Board then convened as a Board of Audit and examined the bills for the month of April, 1940.

There being no further business on motion and vote, the meeting adjourned to meet on Wednesday, May 15, 1940 at 2:00 P. M.

Harry J. Kratoville
Harry J. Kratoville, Town Clerk.